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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
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October 25, 2016

Ren Jianxin  
Chairman  
China National Chemical Corporation  
62 Beisihuan Xilu, Haidian District  
Beijing 100080, PRC.

Dear Mr. Jianxin:

I was disappointed that you did not testify at the Senate Judiciary Committee hearing titled "Consolidation and Competition in the U.S. Seed and Agrochemical Industry" held on September 20. Your presence would have been very useful in addressing the many questions my colleagues and I have regarding ChemChina's acquisition of Syngenta.

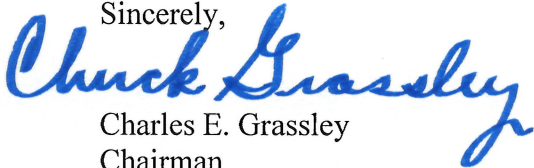
Additional questions for the record (QFRs) were submitted to the witnesses after the hearing. Syngenta declined to answer certain QFRs and instead recommended we direct the questions to you and your company. Therefore, I respectfully ask you to respond to the following questions:

1. At the September 20 hearing, Syngenta's witness Erik Fyrwald testified that ChemChina's acquisition of Syngenta "allows Syngenta to remain Syngenta . . . the only change with this transaction is in our shareholder base. ChemChina will be a financial owner." It has been widely reported in the press that following ChemChina's acquisition of Syngenta, ChemChina will be the sole shareholder in Syngenta. Are these reports correct?
2. At the September 20 hearing, Syngenta's witness also testified that Syngenta would "remain a Swiss company headquartered in Switzerland with the same management. And we will have to obey laws, obviously in China, the United States, Switzerland, and everywhere in the world." On the day of the hearing, the United States Court of Appeals for the Second Circuit held that United States federal courts should abstain on grounds of international comity from hearing antitrust claims against Chinese companies alleged to have fixed product prices at the direction of the Chinese government. See *In re Vitamin C Antitrust Litig.*, No. 13-4791-cv, --- F.3d ---, 2016 WL 5017312, at \*13 (2d Cir. Sept. 20, 2016).

- a. To your knowledge, is ChemChina currently subject to Chinese regulations controlling product prices?
  - b. Following the acquisition, to what extent will Chinese regulations apply to Syngenta products?
3. At the September 20 hearing, Syngenta's witness testified that after the ChemChina acquisition, "Syngenta will not raise" the defense of foreign sovereign immunity to current or future litigation filed by residents of the United States. In responses to Senator Grassley's QFRs, Syngenta made the same commitment with respect to defenses based on the doctrines of international comity, the act of state doctrine, the foreign sovereign compulsion doctrine, and the political question doctrine. Syngenta also suggested that it would be willing to enter a consent decree with the United States Department of Justice to those ends. Would ChemChina be willing to enter into a similar agreement?

Please send an electronic version of your responses to Jason Covey, Hearing Clerk, Senate Judiciary Committee, at [Jason\\_Covey@judiciary-rep.senate.gov](mailto:Jason_Covey@judiciary-rep.senate.gov), no later than November 8, 2016. I look forward to your prompt response.

Sincerely,



Charles E. Grassley  
Chairman

U.S. Senate Committee on the Judiciary